

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
in its 2009 Nuclear Decommissioning Cost  
Triennial Proceeding (U39E).

Application 09-04-007  
(Filed April 3, 2009)

And Related Matter.

Application 09-04-009

**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline for these consolidated proceedings to February 24, 2013.

**Background**

Public Utilities Code Section 1701.5(a) provides that ratesetting cases, such as these consolidated proceedings, shall be resolved within 18 months of the date on which the scoping memo is issued, unless the Commission makes findings regarding why that deadline cannot be met and issues an order extending the 18-month deadline for a period not exceeding 60 days.

In this proceeding, the Commission issued its first Decision (D.) 10-07-047 on July 29, 2010, addressing Phase 1 of the Triennial Review of Nuclear Decommissioning Trusts and Related Decommissioning Activities for Southern California Edison Company, San Diego Gas & Electric Company, and Pacific Gas and Electric Company.

Following the issuance of D.10-07-047, the scoping memo for Phase 2 addressing the issues related to trust fund management, was issued on August 31, 2010. Briefs were filed on December 12, 2011. On June 21, 2012, the Commission issued D.12-06-032 extending the statutory deadline to August 28, 2012.

An Assigned Commissioner's Ruling (ACR) was issued on August 13, 2012 to obtain additional information from the applicants, due to new facts and circumstances. The ACR opened the record to receive additional information and comment, and the proceeding was submitted as of September 4, 2012.

On October 25, 2012, D.12-10-036 was issued and further extended the statutory deadline of these consolidated proceedings to December 26, 2012. The proposed decision and Commissioner Timothy Alan Simon's alternate proposed decision was placed on November 29, 2012 Commission Meeting's Agenda as Item 43, and Item 43a. These items were held for further consideration to December 20, 2012 Commission Meeting. Therefore, the 60-day extension of the statutory deadline until February 24, 2013, is necessary to give the Commission time to deliberate on the proposed decision and the alternate proposed decision.

### **Waiver of Comment Period**

Under Rule 14.6 (c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

### **Assignment of Proceeding**

Timothy Alan Simon is the assigned Commissioner and Melanie M. Darling is the assigned Administrative Law Judge in these consolidated proceedings.

### **Findings of Fact**

1. The statutory deadline of these consolidated proceedings was extended to December 26, 2012.
2. A 60-day extension of time to February 24, 2013, is necessary to give the Commission time to deliberate on the proposed decision and alternate proposed decision held to December 20, 2012 Commission Meeting.

### **Conclusions of Law**

1. The Commission should extend the deadline in this proceeding to February 24, 2013, as allowed by Pub. Util. Code § 1701.5(a).
2. In accordance with Rule 14.6(c)(4) the comment period should be waived.
3. This order should be effective immediately.

**IT IS ORDERED** that the statutory deadline in these consolidated proceedings is extended to February 24, 2013.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.